

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	: 10/539,655	Confirmation No.:	2921
Applicant	: John Ashton Sinclair et al.		
Filed	: June 14, 2005		
Art Unit	: 2833		
Examiner	: Travis Chambers		
Title	: ELONGATED ELECTRICAL CONDUCTOR THAT IS ADAPTED FOR ELECTRICALLY CONNECTING WITH AN ELECTRICAL CONTACT		
Docket No.:	: 123-003	March 19, 2009	
Customer No.	: 47533		

**RENEWED PETITION UNDER 37 CFR §1.47(a) AND 37 CFR § 1.64
REGARDING NON-SIGNING INVENTOR**

This paper is in response to the Decision on Petition dated January 30, 2009, rejecting the Renewed Petition . . . Regarding Non-Signing Inventor filed on December 1, 2008. The due date for filing a (subsequent) Renewed Petition is March 30, 2009.

I. BACKGROUND

1. On July 14, 2008, Applicant submitted a Petition Under 37 CFR § 1.47 and 37 CFR §1.64 Regarding Non-Signing Inventor (“the original Petition”).
2. On November 13, 2008, the PTO issued a Decision on Petition, rejecting the original Petition as failing to demonstrate that a complete copy of the application had been sent to the non-signing inventor, John Ashton Sinclair, and that Mr. Sinclair refused to sign the inventor’s Oath or Declaration.
3. On December 1, 2008, Applicant filed a Renewed Petition, with additional documentation and additional information in the Substitute Declaration.
4. On January 30, 2009, the PTO issued a Decision on Petition, rejecting the Renewed Petition as failing to demonstrate that a complete copy of the *United States* application had been sent to the non-signing inventor, John Ashton Sinclair, and that Mr. Sinclair refused to sign the inventor’s Oath or Declaration.

II. RENEWED PETITION

3. As set forth in the accompanying papers, John Ashton Sinclair, Jaroslav Emil Haba, Kevin Truskett, and Jeffrey Allan Wilson are co-inventors of the above-identified application.

4. The inventor's declaration signed by Messrs. Haba, Truskeet, was submitted with the original Petition.

5. As set forth in greater detail in the accompanying declaration of Australian counsel Matthew Ward dated March 19, 2009, a complete copy of the U.S. application as filed has now been sent to Mr. Sinclair; Mr. Sinclair still refuses to sign the application.

A. THE NON-SIGNING INVENTOR RECEIVED A COPY OF THE U.S. APPLICATION AS FILED

6. The declaration of Australian counsel Matthew Ward submitted herewith describes how Mr. Ward sent a complete copy of the U.S. application as filed to the non-signing inventor John Ashton Sinclair via email on February 10, 2009, with electronic return receipt requested, advising Mr. Sinclair that failure to execute and return the Declaration within 30 days would be construed as a refusal to sign. (Ward Decl., ¶¶ 1-4; Exhibit 1).

7. Mr. Sinclair received the Declaration and copy of the U.S. application as filed, as evidenced by the e-mail Delivery Status Notification received back. (Ward Decl. ¶ 6; Exhibit 2).

B. THE NON-SIGNING INVENTOR REFUSES TO SIGN

7. Mr. Sinclair sent back a reply refusing to sign. (Ward Decl. ¶7; Exhibit 3).

8. It has now been more than 30 days since Mr. Ward advised Mr. Sinclair that failure to sign would be construed as a refusal to sign.

9. The Declaration of Mr. Ward and the attached exhibits demonstrate that Mr. Sinclair, refuses to sign the Declaration.

III. OTHER RENEWED INFORMATION; PETITION FEE

10. As previously stated in the original Petition, the last known address for the non-signing inventor is:

John Ashton Sinclair
Lot 1731 Comboyne
Killback via Wingham, New South Wales 2429
Australia

11. The petition fee of \$200 under 37 CFR 1.47/1.17(g), as well as the fee of \$65 (small entity) fee for filing a declaration late, was previously submitted with the original Petition.


WHEREFORE Applicant prays pursuant to 37 CFR §1.47 that that the application be allowed to proceed without the signature of the non-signing inventor.

Respectfully submitted,

INTELLECTUAL PROPERTY LAW OFFICE OF
JOEL D. VOELZKE

DATED: March 19, 2009

By:



Joel D. Voelzke
Registration No. 37,957

24772 Saddle Peak Road
Malibu, CA 90265-3042
Tel: (310) 317-4466
Fax: (310) 317-4499
email: ip.law@verizon.net